

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO: 8:02-cr-111-CEH-JSS

JOSEPH CUCINIELLO

ORDER

This matter comes before the Court on Defendant Joseph Cuciniello's Motion for Relief (Doc. 2031). In the motion, Defendant requests the Court suspend the approximately \$320 being deducted from his social security check as restitution. In support, Defendant states he is 70 years old and suffering from several medical problems, including bladder cancer which requires chemotherapy treatment. His wife, who is 69 years old, has to take off work to take Defendant to doctor's appointments and provide assistance due to his reaction to the chemotherapy. Defendant states that his social security income is his only source of income and is used to cover out-of-pocket costs not paid for by the Veterans Administration.

The Government has filed a response to the motion. Doc. 2032. Although the Government opposes indefinite relief from collection of his restitution judgment, the Government represents that the Financial Litigation Unit removed Defendant from the Treasury Offset Program on April 6, 2020. *Id.* The Treasury Offset Program ("TOP") collects past-due debts that people owe to state and federal agencies. *See* <https://fiscal.treasury.gov/top/> (last accessed May 26, 2021). "TOP matches people

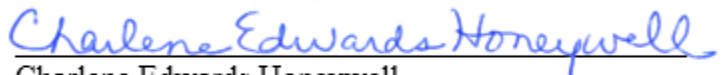
and businesses who owe delinquent debts with money that federal agencies are paying. To the extent allowed by law, when a match happens, TOP withholds (offsets) money to pay the delinquent debt.” *Id.* The Court, having considered the motion, the Government’s response, and being fully advised in the premises, will deny, as moot, Defendant’s Motion for Relief. Based on the Government’s response, Defendant is no longer subject to deductions by TOP.

Accordingly, it is hereby

ORDERED:

1. Defendant’s Motion for Relief (Doc. 2031) is **DENIED as moot**.

DONE AND ORDERED in Tampa, Florida on June 7, 2021.


Charlene Edwards Honeywell
United States District Judge

Copies to:
Counsel of Record and Unrepresented Parties, if any